

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

LARRY E. MUKES,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-05-169-W
)	
RANDALL G. WORKMAN, Warden,)	
)	
Respondent.)	

ORDER

On July 29, 2005, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this matter and recommended that the Court deny the Petition for Writ of Habeas Corpus ("Petition") filed by petitioner Larry E. Mukes. Mukes was advised of his right to object, and he has timely filed his Objections to the Report and Recommendation.

Upon review of the record and assuming without deciding that Mukes' Petition was timely filed, the Court concurs with Magistrate Judge Couch's suggested alternate basis for denying Mukes' Petition. The Court finds that Mukes, as a prisoner sentenced to life imprisonment, has no liberty interest in earned credits. E.g., 57 O.S. § 138(A). Therefore, Mukes is not entitled to relief to the extent he has requested application of any earned credits. The Court further finds that Mukes is not entitled to relief on his remaining claims, including his claims regarding the impact and effect of the current classification system established and employed by the Oklahoma Department of Corrections, because such claims are not cognizable in a federal habeas corpus action.

Accordingly, the Court

(1) ADOPTS to the extent stated herein the Report and Recommendation issued on July 29, 2005;

(2) DENIES Mukes' Petition file-stamped February 10, 2005; and

(3) ORDERS that judgment in favor of the respondent, Randall G. Workman, Warden, issue forthwith.

ENTERED this 9th day of September, 2005.


LEE R. WEST
UNITED STATES DISTRICT JUDGE